

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 730 of 1998
and
MISC.CIVIL APPLICATION NO.731 OF 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

USHABEN MAHENDRABHAI DUDIA

Versus

R B PATEL

Appearance:

MR SURESH M SHAH AND MR.MEHUL M.SHAH for
Petitioners in both the applications.
SERVED BY AFFIX.-(R) for Respondent No. 1
RULE SERVED for Respondent No. 3

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 16/06/98

ORAL JUDGEMENT

The respondents though served have neither
appeared in person nor filed their appearance through
Advocate.

The petitioners, original claimants, have filed these applications with a request to transfer Motor Accident Claim Petitions No.1632/93 and 1631/93 pending before the Motor Accident Claims Tribunal, Vadodara to Motor Accident Claims Tribunal, Kutch at Bhuj.

The petitioners have instituted claim petitions claiming different amounts of compensation in the Court of Motor Accidents Claims Tribunal at Vadodara within whose jurisdiction the accident took place and cause for the claim for compensation arose under the Motor Vehicles Act . It is the case of the petitioners that they are residing within and have to examine witnesses residing within the Kutch district only and it is very much difficult and inconvenient and causing great hardship for the petitioners to attend the Tribunal at Vadodara where at present the aforesaid claim case is pending and no evidence has so far been led therein. It is contended that respondent No.3 is having a branch office within Kutch district . The accident took place in the territorial jurisdiction of Vadodara district. However, in view of the subsequent amendment of Section 166(2) of the Motor Vehicles Act, wherein it is made permissible for the claimants to move claim petition before the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides. In view of this provision, I am of the view that it would not only be in the interest of justice, but it would be convenient to all the parties to have the claim petition tried and disposed of by the Motor Accident Claims Tribunal, Kutch at Bhuj.

In the result, these applications are allowed. The M.A.C.Petition No.1631/93 and 1632/93 pending before the M.A.C.T.Vadodara are ordered to be transferred to the M.A.C.T.Kutch at Bhuj. The office is directed to send the writ of this order to both the Courts i.e. at Vadodara and Kutch at Bhuj. Rule is made absolute to the aforesaid extent in each of these applications with no order as to costs.

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